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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,777	08/25/2000	Jacques Houis	206357	4326

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,777

Applicant(s)

HOUIS ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Election/Restrictions

1. Applicant's election without traverse of a flexible boot arrangement (Group I) in the response filed February 26, 2004 is acknowledged.
2. Claims 13-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the response filed February 26, 2004.

Drawings

3. The drawings are objected to because they fail to show all the limitations of claim 8. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. Unless a specific figure(s) is identified, the word "figures" should not be capitalized at page 4, line 15.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, lines 1 & 2 recites the limitation "separate element" but it is not clear from what other element(s) the "separate element" is separate from. This "separate element" could be separate simply from the "parison" which is itself not a part of the claimed invention, but merely a tool used for making the claimed invention or the "separate element" may be separate from the "article" which is a part of the claimed invention.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 & 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kovacs, US 4,515,842. Fig. 1 shows a thermoplastic (see col. 5, line 10) bellows arrangement 10 comprising: a bellows 12 having a tubular connector 16 secured at a predetermined position. Fig. 1 shows the connector element 16 comprises a first hollow tubular portion 16b extending generally radially of the bellows and a second integral hollow tubular portion 16a extending generally parallel to the axis of the bellows (see also col. 4, lines 35-41). In col. 2, lines 31-34, Kovacs discloses two bellows arrangements connected together by means of their connector elements.

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9. Claims 1, 4, 5 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson, US 913,036. Figs. 1-4 show in combination an article 6, 8 and a separate element 2 having an opening. Fig. 4 shows the separate element 2 is joined to, and in communication with, the article 6. Fig. 2 shows the separate element has a circular recess (surrounding the numeral 7) at its opening and Fig. 4 shows that this circular recess receives the material of the article 6, 8.

10. Claims 1, 4, 5 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray, US 1,912,993. Figs. 7-9 show in combination an article 1 and a separate element 2 having an opening. Fig. 9 shows the separate element 2 is joined to, and in communication with, the article 1. Fig. 7 shows the separate element 2 has a circular recess 5 at its opening and Figs. 8 & 9 show that this circular recess receives the material of the article 1. Murray discloses the separate element is joined to the article by welding (see page 1, line 93) and mechanical bonding (see "pressed" in line 97).

11. Claims 1, 4, & 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Thomas, US 390,821.

Conclusion

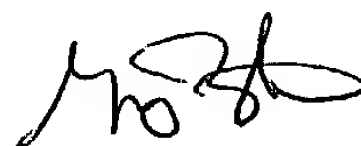
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. AEI, Hyodo, Carberry and Chandler each show a boot with a tubular connector. AEI and Mersch (see col. 4, line 31) each disclose a thermoplastic boot.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679